COAL BED METHANE RULE UPDATE

In response to requests from the public, the Montana Department of Environmental Quality (DEQ) has prepared this summary of the actions taken by the Board of Environmental Review on March 23, 2006, regarding the amendment of ARM 17.30.670 and 17.30.1202 pertaining to nondegradation requirements for electrical conductivity (EC) and sodium adsorption ratio (SAR) and definitions for technology-based effluent limitations, and the adoption of new rules I through X pertaining to minimum technology-based controls and treatment requirements for the coal bed methane industry.

NUMERIC STANDARDS FOR ELECTRICAL CONDUCTIVITY (EC) AND SODIUM ADSORPTION RATIO (SAR)/NONDEGRADTION

The Board adopted the portion of the proposed rule that designated EC and SAR as "harmful" parameters. If a change in EC and SAR is deemed significant under the proposed "harmful" category, then an applicant would need an authorization to degrade prior to discharging. The "harmful" category is being adopted as a means to determine significant changes in existing quality rather than as a standard to protect uses. When the new rule becomes effective, the DEQ cannot authorize a discharge exceeding 10% of the numeric standard without an authorization to degrade. Also, if the ambient water quality in the stream is 40% of the standard or above, no additional discharge could occur without an authorization to degrade.

Note -- The numeric water quality standards and the nondegradation rules are separate, yet complementary components of Montana's water quality standards program. Each component of the program serves an independent and important function. The function of a numeric standard is to quantify for a given pollutant the level determined to be protective of designated uses, whereas the purpose of a nondegradation rule is to protect the increment of "high quality" water that exists between ambient water quality and a numeric water quality standard.

REINJECTION

The Board rejected the portions of the proposed rule that would have required reinjection of methane wastewater back into the ground.

FLOW-BASED PERMITTING CALCULATION

The Board adopted the section of the proposed rule that deleted the requirement to use a flow-based dilution when calculating MPDES permit discharge requirements and rejected a proposal to require the DEQ to use the 7Q10 flow, a flow value associated with a river’s lowest typical flow, to calculate permits. This decision gives the DEQ Permitting Division the discretion to use either method, or a combination of the two, and will make the analysis of CBM produced water permits consistent with other MPDES efforts.

TECHNOLOGY-BASED EFFLUENT LIMITATIONS

The Board did not approve the proposed new rules that would have required treatment of CBM produced water to an established set of effluent limits. Strict requirement of technology-based effluent limits would have required the DEQ to analyze and establish

the technical, environmental, and financial feasibility of achieving the limits. The Board approved a motion to instruct the DEQ to work with interested parties to develop effluent limitations to be incorporated into rules to be considered for initiation at the September 2006 Board meeting.

NONSEVERABILITY

The Board adopted the section of the proposed rule that deleted the nonseverability provisions of the existing rule. The nonseverability requirement was originally recommended by the DEQ and adopted by the Board at the CBM industry's request to prevent a situation in which the narrative nondegradation criteria were struck down in court, leaving only the numeric water quality standards in place. Since the Board approved the replacement of the narrative nondegradation threshold with a conventional numeric approach, the nonseverability provision is no longer necessary.

- For information about coal bed methane permitting, please contact Tom Reid, DEQ Water Protection Bureau at 406-444-5329

- For information about coal bed methane rules and water quality, please contact Art Compton, DEQ Planning, Prevention and Assistance Division at 406-444-6754.

- For more information about coal bed methane in Montana see the DEQ website at: http://www.deq.mt.gov/CoalBedMethane/index.asp